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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/174,461	10/19/1998	KATSUMI IIJIMA	35.C13021	5700
5514	7590	03/31/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LEE, RICHARD J	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/174,461	IIJIMA ET AL.	
	Examiner Richard Lee	Art Unit 2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 23 December 2004.
- 2a) This action is **FINAL**.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-7 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7, 25-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

1. The request filed on December 23, 2004 for a Request for Continued Examination (RCE) is acceptable and a RCE has been established. An action on the RCE follows.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreton et al of record (5,835,133) in view of Sasaki (5,408,265).

Moreton et al discloses an optical system for single camera stereo video as shown in Figures 2A, 3-5, 8A-8C, and substantially the same camera and method for image pickup by a camera as claimed in claims 1-7 and 25-31, comprising the same plurality of image pickup means (90 of Figure 2A, the optical paths of receiving left/right images) for picking up a plurality of images of an object, respectively; display means (330 of Figures 8A-8C) for displaying images picked up by the plurality of image pickup means; recording means (see column 3, line 14, column 6, lines 59-62, column 11, lines 31-49, column 12, lines 21-57) for recording the images picked up by the plurality of image pickup means on a recording medium; memory means (720 of Figure 8C, see column 12, lines 58-67) arranged both as a buffer of the display means and as a buffer of the recording means (i.e., memory means 720 of Figure 8C acts as a buffer of the recording means derived from 705 for generating stereo recorded video (see column 3, line 14, column 6, lines 59-62, column 11, lines 31-49, column 12, lines 21-57), thereby generating a recording signal from the images picked up by the plurality of image pickup means) so that the display means displays an image through the memory means; wherein when a

plurality of the memory means are used for displaying an image picked up by the plurality of image pickup means, some of the plurality of memory means are used for a write operation and the others of the plurality of memory means are used for a read operation by switching between the write and read operations, whereby the plurality of memory means are used as a double buffer, and wherein when a plurality of the memory means are used for recording an image picked up by the plurality of image pickup means, all of the plurality of memory means are used for write operation in order to record each image picked up by the plurality of image pickup means, and after the write operation is completed, all of the plurality of memory means are used for read operation (i.e., as provided by 720 of Figure 8C, see column 12, lines 58-67); wherein the image is written in the double buffer in normal form and the image is read out from the double buffer in inverted form, wherein the image is written in the double buffer in inverted form and the image is read out from the double buffer in normal form, wherein the image is recorded in normal form when all of the plurality of memory means are used for write operation, and the image is read out in inverted form from all of the plurality of memory means after the recording is completed, wherein the image is recorded in inverted form when all of the plurality of memory means are used for write operation, and the image is read out in normal form from all of the plurality of memory means after the recording is completed (i.e., in Moreton et al, inverted read/write operation is dependent upon whether reflector pairs 30a, 30b of Figures 3-5 are used. Without the reflector pairs, images are read in inverted form (inherent). With the reflector pairs, images are read in normal fashion since the images are inverted by the reflector pairs. Writing in inverted or normal fashion is directly dependent on whether images are read in inverted or normal fashion.)

Moreton et al does not particularly disclose, though, the recording means records the image on the recording medium through the memory means as claimed in claims 1 and 25. However, Sasaki discloses an electronic endoscope system as shown in Figure 11, and teaches the conventional use of an image recording unit 78 of Figure 11 for recording image data through the memory means (88-90 of Figure 11). Therefore, it would have been obvious to one of ordinary skill in the art, having the Moreton et al and Sasaki references in front of him/her and the general knowledge of the recording of image data, would have had no difficulty in providing the image recording unit 78 of Sasaki after the memory means 300a, 310a, 300b as shown in Figure 8A of Moreton et al for the same well known recording of the stereo video data for producing a permanent copy purposes as claimed.

4. The applicants argued at pages 7-8 of the request for reconsideration filed October 21, 2004 in general that there is no motivation to modify Moreton et al with the memory circuits 88 or other structure of Sasaki so as to arrive at the combination of features as recited in claims 1 and 25. The Examiner respectfully disagrees for the following reasons. Sasaki clearly teaches the general concept of recording data that was stored from a memory means, i.e. image recording unit 78 records image data through memory means 88-90. And it is submitted again that it would have been obvious to provide the image recording unit 78 of Sasaki after the memory means 300a, 310a, 300b of Figure 8A of Moreton et al for the same well known recording of stereo video data for producing a permanent copy, and thus rendering the claimed invention obvious.

5. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art

of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m., with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

*RL*  
RICHARD LEE  
PRIMARY EXAMINER

Richard Lee/rl

3/28/05